

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FOSTER FARMS DAIRY,

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,

Defendant.

No. C-03-02426 MJJ (EDL)

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION TO COMPEL FURTHER
RESPONSES TO INTERROGATORIES
AND A 30(b)(6) WITNESS; DENYING
PLAINTIFF'S MOTION TO COMPEL
FURTHER RESPONSES TO
DISCOVERY AND A WITNESS FOR
DEPOSITION**

On March 28, 2006, the Court held a hearing on Plaintiff's Motion to Compel Further Responses to Interrogatories and a 30(b)(6) Witness and on Plaintiff's Motion to Compel Further Responses to Discovery and a Witness for Deposition. For the reasons stated at the hearing, the Court issues the following Order:

In the first motion, Plaintiff sought further responses to interrogatories 2, 3, 5, 9 and 10, and compliance with two Federal Rule of Civil Procedure 30(b)(6) deposition notices. Defendant's objections to interrogatories 2, 3 and 5 are not well-taken. Therefore, Plaintiff's motion is granted with respect to interrogatories 2, 3 and 5. Because interrogatory 9 is essentially duplicative of interrogatories 2 and 3, the motion to compel further response to interrogatory 9 is denied. With respect to interrogatory 10, Defendant has met its burden of showing that the request is overbroad. Therefore, Plaintiff's motion to compel further response to number 10 is denied.

Plaintiff also sought an order compelling compliance with two deposition notices. The pretrial order in this case limited the number of depositions to five for each party and Plaintiff has

1 already taken five. See Declaration of Sonia Martin at ¶ 5. Because Plaintiff failed to seek leave to
2 take more than five depositions before serving the deposition notices at issue in this motion,
3 Plaintiff's motion to compel the two Rule 30(b)(6) depositions is denied.

4 In the second motion, Plaintiff sought further responses to interrogatories 18, 19 and 20 and
5 to requests for production of documents 17, 18 and 21, and compliance with a deposition notice.
6 Defendant's objection to the interrogatories and to request for production number 21 as untimely is
7 sustained; because Plaintiff served the discovery requests by mail on January 30, 2006, the
8 responses were due after the March 3, 2006 discovery cutoff date. See Civil L.R. 26-2 (discovery
9 requests calling for responses after the discovery cutoff date are not enforceable). Accordingly,
10 Plaintiff's motion to compel further responses to interrogatories 18, 19 and 20 and to request for
11 production of documents 21 is denied.

12 Requests for production 17 and 18 seek production of portions of Defendant's Claims
13 Manual. On March 30, 2006, the Court issued an Order regarding production of the Claims Manual.

14 Further, for the reasons stated above with respect to the Rule 30(b)(6) depositions, Plaintiff's
15 motion to compel compliance with the deposition notice directed at Joseph Saco is denied.

16 **IT IS SO ORDERED.**

17 Dated: April 17, 2006

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge